

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

-----X
SHIRLYN SUMMERS, as Mother and Natural Guardian,
of Infant, D.B. and SHIRLYN SUMMERS, Individually,

Civil Action No. 17-cv-1495

Plaintiffs,

ANSWER

-against-

LONG BEACH CITY SCHOOL DISTRICT a/k/a LONG
BEACH PUBLIC SCHOOLS, LISA WEITZMAN, JEAN
MARIE LILLEY, LAUREN SCHNEIDER, SABRINA
CANTORE, VINCENT RUSSO, DR. RANDIE BERGER,
DR. MICHELE NATALI, DAVID WEISS, in their
individual and official capacities and JOHN AND JANE
DOE'S 1-20, whose identities are unknown at present,

Defendants.
-----X

Defendants, LISA WEITZMAN, JEAN MARIE LILLEY and LAUREN SCHNEIDER,
by their attorneys, Congdon, Flaherty, O'Callaghan, Reid, Donlon, Travis & Fishlinger, Esqs.,
state, upon information and belief, for their answer to plaintiffs' complaint:

ANSWERING THE PRELIMINARY STATEMENT

1. Defendants deny each and every allegation contained in paragraph numbered "1"
of the plaintiffs' complaint.
2. Defendants deny having knowledge or information sufficient to form a belief as to
each and every allegation contained in paragraph numbered "2" of the plaintiffs' complaint.
3. Defendants deny each and every allegation contained in paragraph numbered "3"
of the plaintiffs' complaint.
4. Defendants deny having knowledge or information sufficient to form a belief as to
each and every allegation contained in paragraph numbered "4" of the plaintiffs' complaint

except deny that any inhumane deprivations of DB's rights by LISA WEITZMAN, JEAN MARIE LILLEY and LAUREN SCHNEIDER,

ANSWERING AS TO PARTIES

5. Defendants deny having knowledge or information sufficient to form a belief as to each and every allegation contained in paragraph numbered "5" of the plaintiffs' complaint.

6. Defendants deny having knowledge or information sufficient to form a belief as to each and every allegation contained in paragraph numbered "6" of the plaintiffs' complaint.

7. Defendants deny having knowledge or information sufficient to form a belief as to each and every allegation contained in paragraph numbered "7" of the plaintiffs' complaint.

7a. Defendants deny having knowledge or information sufficient to form a belief as to each and every allegation contained in second paragraph numbered "7" of the plaintiffs' complaint.

8. Defendants deny having knowledge or information sufficient to form a belief as to each and every allegation contained in paragraph numbered "8" of the plaintiffs' complaint.

8a. Defendants deny having knowledge or information sufficient to form a belief as to each and every allegation contained in second paragraph numbered "8" of the plaintiffs' complaint.

9. Defendants deny having knowledge or information sufficient to form a belief as to each and every allegation contained in paragraph numbered "9" of the plaintiffs' complaint

10. Defendants deny having knowledge or information sufficient to form a belief as to each and every allegation contained in paragraph numbered "10" of the plaintiffs' complaint except admit that LISA WEITZMAN is a tenured special education teacher and employee of Long Beach Public Schools.

11.¹

12. Defendants deny having knowledge or information sufficient to form a belief as to each and every allegation contained in paragraph numbered “12” of the plaintiffs' complaint except admit that JEAN MARIE LILLEY is a full time teaching assistant and employee of Long Beach Public Schools.

13. Defendants deny having knowledge or information sufficient to form a belief as to each and every allegation contained in paragraph numbered “13” of the plaintiffs' complaint except admit that LAUREN SCHNEIDER was a full time teaching assistant and employee of Long Beach Public Schools.

14. Defendants deny having knowledge or information sufficient to form a belief as to each and every allegation contained in paragraph numbered “14” of the plaintiffs' complaint.

15. Defendants deny having knowledge or information sufficient to form a belief as to each and every allegation contained in paragraph numbered “15” of the plaintiffs' complaint.

16. Defendants deny having knowledge or information sufficient to form a belief as to each and every allegation contained in paragraph numbered “16” of the plaintiffs' complaint.

17. Defendants deny having knowledge or information sufficient to form a belief as to each and every allegation contained in paragraph numbered “17” of the plaintiffs' complaint.

18. Defendants deny having knowledge or information sufficient to form a belief as to each and every allegation contained in paragraph numbered “18” of the plaintiffs' complaint except deny that any abuse was perpetrated by LISA WEITZMAN, JEAN MARIE LILLEY and LAUREN SCHNEIDER or that an investigation was conducted or that an investigation was conducted.

¹ The complaint does not contain a paragraph 11.

19. Defendants deny having knowledge or information sufficient to form a belief as to each and every allegation contained in paragraph numbered “19” of the plaintiffs' complaint.

20. Defendants deny having knowledge or information sufficient to form a belief as to each and every allegation contained in paragraph numbered “20” of the plaintiffs' complaint.

ANSWERING FACTUAL ALLEGATIONS

21. Defendants deny having knowledge or information sufficient to form a belief as to each and every allegation contained in paragraph numbered “21” of the plaintiffs' complaint.

22. Defendants deny having knowledge or information sufficient to form a belief as to each and every allegation contained in paragraph numbered “22” of the plaintiffs' complaint.

23. Defendants deny having knowledge or information sufficient to form a belief as to each and every allegation contained in paragraph numbered “23” of the plaintiffs' complaint.

24. Defendants deny having knowledge or information sufficient to form a belief as to each and every allegation contained in paragraph numbered “24” of the plaintiffs' complaint.

25. Defendants deny having knowledge or information sufficient to form a belief as to each and every allegation contained in paragraph numbered “25” of the plaintiffs' complaint.

26. Defendants deny having knowledge or information sufficient to form a belief as to each and every allegation contained in paragraph numbered “26” of the plaintiffs' complaint.

27. Defendants deny each and every allegation contained in paragraph numbered “27” of the plaintiffs' complaint.

28. Defendants deny each and every allegation contained in paragraph numbered “28” of the plaintiffs' complaint.

29. Defendants deny having knowledge or information sufficient to form a belief as to each and every allegation contained in paragraph numbered “29” of the plaintiffs' complaint.

30. Defendants deny each and every allegation contained in paragraph numbered “30” of the plaintiffs' complaint.

31. Defendants deny each and every allegation contained in paragraph numbered “31” of the plaintiffs' complaint.

32. Defendants deny each and every allegation contained in paragraph numbered “32” of the plaintiffs' complaint.

33. Defendants deny each and every allegation contained in paragraph numbered “33” of the plaintiffs' complaint.

34. Defendants deny having knowledge or information sufficient to form a belief as to each and every allegation contained in paragraph numbered “34” of the plaintiffs' complaint and refer all questions of law and fact to this Honorable Court and the triers of fact at the trial of this action.

35. Defendants deny each and every allegation contained in paragraph numbered “35” of the plaintiffs' complaint.

36. Defendants deny each and every allegation contained in paragraph numbered “36” of the plaintiffs' complaint.

37. Defendants deny each and every allegation contained in paragraph numbered “37” of the plaintiffs' complaint.

38. Defendants deny each and every allegation contained in paragraph numbered “38” of the plaintiffs' complaint.

39. Defendants deny each and every allegation contained in paragraph numbered “39” of the plaintiffs' complaint.

40. Defendants deny each and every allegation contained in paragraph numbered “40” of the plaintiffs' complaint.

41. Defendants deny each and every allegation contained in paragraph numbered “41” of the plaintiffs' complaint.

42. Defendants deny each and every allegation contained in paragraph numbered “42” of the plaintiffs' complaint.

43. Defendants deny each and every allegation contained in paragraph numbered “43” of the plaintiffs' complaint.

44. Defendants deny each and every allegation contained in paragraph numbered “44” of the plaintiffs' complaint.

45. Defendants deny each and every allegation contained in paragraph numbered “45” of the plaintiffs' complaint.

46. Defendants deny each and every allegation contained in paragraph numbered “46” of the plaintiffs' complaint.

47. Defendants deny each and every allegation contained in paragraph numbered “47” of the plaintiffs' complaint.

48. Defendants deny each and every allegation contained in paragraph numbered “48” of the plaintiffs' complaint.

49. Defendants deny each and every allegation contained in paragraph numbered “49” of the plaintiffs' complaint.

50. Defendants deny each and every allegation contained in paragraph numbered “50” of the plaintiffs' complaint.

51. Defendants deny each and every allegation contained in paragraph numbered “51” of the plaintiffs' complaint.

52. Defendants deny each and every allegation contained in paragraph numbered “52” of the plaintiffs' complaint.

53. Defendants deny each and every allegation contained in paragraph numbered “53” of the plaintiffs' complaint.

54. Defendants deny each and every allegation contained in paragraph numbered “54” of the plaintiffs' complaint.

55. Defendants deny each and every allegation contained in paragraph numbered “55” of the plaintiffs' complaint.

56. Defendants deny each and every allegation contained in paragraph numbered “56” of the plaintiffs' complaint.

57. Defendants deny each and every allegation contained in paragraph numbered “57” of the plaintiffs' complaint.

58. Defendants deny having knowledge or information sufficient to form a belief as to each and every allegation contained in paragraph numbered “58” of the plaintiffs' complaint except deny that any abuse occurred.

59. Defendants deny each and every allegation contained in paragraph numbered “59” of the plaintiffs' complaint.

60. Defendants deny having knowledge or information sufficient to form a belief as to each and every allegation contained in paragraph numbered “60” of the plaintiffs' complaint except deny that any abuse occurred.

61. Defendants deny each and every allegation contained in paragraph numbered “61” of the plaintiffs' complaint.

62. Defendants deny having knowledge or information sufficient to form a belief as to each and every allegation contained in paragraph numbered “62” of the plaintiffs' complaint.

63. Defendants deny each and every allegation contained in paragraph numbered “63” of the plaintiffs' complaint.

64. Defendants deny each and every allegation contained in paragraph numbered “64” of the plaintiffs' complaint.

65. Defendants deny each and every allegation contained in paragraph numbered “65” of the plaintiffs' complaint.

66. Defendants deny each and every allegation contained in paragraph numbered “66” of the plaintiffs' complaint.

67. Defendants deny each and every allegation contained in paragraph numbered “67” of the plaintiffs' complaint.

68. Defendants deny each and every allegation contained in paragraph numbered “68” of the plaintiffs' complaint.

69. Defendants deny having knowledge or information sufficient to form a belief as to each and every allegation contained in paragraph numbered “69” of the plaintiffs' complaint except deny that any abuse occurred.

70. Defendants deny each and every allegation contained in paragraph numbered “70” of the plaintiffs' complaint.

71. Defendants deny having knowledge or information sufficient to form a belief as to each and every allegation contained in paragraph numbered “71” of the plaintiffs' complaint except deny that any abuse occurred or that LISA WEITZMAN was suspended.

72. Defendants deny having knowledge or information sufficient to form a belief as to each and every allegation contained in paragraph numbered “72” of the plaintiffs' complaint except deny that LISA WEITZMAN was suspended.

73. Defendants deny having knowledge or information sufficient to form a belief as to each and every allegation contained in paragraph numbered “73” of the plaintiffs' complaint.

74. Defendants deny having knowledge or information sufficient to form a belief as to each and every allegation contained in paragraph numbered “74” of the plaintiffs' complaint.

75. Defendants deny having knowledge or information sufficient to form a belief as to each and every allegation contained in paragraph numbered “75” of the plaintiffs' complaint except deny that any abuse occurred or that LISA WEITZMAN was suspended.

76. Defendants deny having knowledge or information sufficient to form a belief as to each and every allegation contained in paragraph numbered “76” of the plaintiffs' complaint except deny that any abuse occurred.

77. Defendants deny having knowledge or information sufficient to form a belief as to each and every allegation contained in paragraph numbered “77” of the plaintiffs' complaint and refer the Court to the letter for the substance thereof.

78. Defendants deny having knowledge or information sufficient to form a belief as to each and every allegation contained in paragraph numbered “78” of the plaintiffs' complaint except deny that any abuse occurred and otherwise refer the Court to the letter for the substance thereof.

79. Defendants deny having knowledge or information sufficient to form a belief as to each and every allegation contained in paragraph numbered “79” of the plaintiffs' complaint except deny that any abuse occurred.

80. Defendants deny having knowledge or information sufficient to form a belief as to each and every allegation contained in paragraph numbered “80” of the plaintiffs' complaint except deny that LISA WEITZMAN, and LAUREN SCHNEIDER smoked marijuana on school grounds.

81. Defendants deny having knowledge or information sufficient to form a belief as to each and every allegation contained in paragraph numbered “81” of the plaintiffs' complaint.

82. Defendants deny having knowledge or information sufficient to form a belief as to each and every allegation contained in paragraph numbered “82” of the plaintiffs' complaint except deny that any abuse occurred.

83. Defendants deny having knowledge or information sufficient to form a belief as to each and every allegation contained in paragraph numbered “83” of the plaintiffs' complaint except deny that any abuse occurred.

84. Defendants deny having knowledge or information sufficient to form a belief as to each and every allegation contained in paragraph numbered “84” of the plaintiffs' complaint except deny that any abuse occurred.

85. Defendants deny having knowledge or information sufficient to form a belief as to each and every allegation contained in paragraph numbered “85” of the plaintiffs' complaint except deny that any abuse occurred.

86. Defendants deny having knowledge or information sufficient to form a belief as to each and every allegation contained in paragraph numbered “86” of the plaintiffs' complaint

except admit that LISA WEITZMAN's 3020-a hearing is ongoing and deny that any abuse occurred.

87. Defendants deny having knowledge or information sufficient to form a belief as to each and every allegation contained in paragraph numbered "87" of the plaintiffs' complaint except deny that any abuse occurred.

88. Defendants deny having knowledge or information sufficient to form a belief as to each and every allegation contained in paragraph numbered "88" of the plaintiffs' complaint except deny that any abuse occurred.

89. Defendants deny having knowledge or information sufficient to form a belief as to as to each and every allegation paragraph numbered "89" contained in plaintiffs' complaint except deny that any abuse occurred.

90. Defendants deny having knowledge or information sufficient to form a belief as to each and every allegation contained in paragraph numbered "90" of the plaintiffs' complaint.

91. Defendants deny having knowledge or information sufficient to form a belief as to each and every allegation contained in paragraph numbered "91" of the plaintiffs' complaint.

92. Defendants deny having knowledge or information sufficient to form a belief as to each and every allegation contained in paragraph numbered "92" of the plaintiffs' complaint.

93. Defendants deny having knowledge or information sufficient to form a belief as to each and every allegation contained in paragraph numbered "93" of the plaintiffs' complaint.

94. Defendants deny having knowledge or information sufficient to form a belief as to each and every allegation contained in paragraph numbered "94" of the plaintiffs' complaint.

95. Defendants deny having knowledge or information sufficient to form a belief as to each and every allegation contained in paragraph numbered "95" of the plaintiffs' complaint.

ANSWERING THE FIRST CAUSE OF ACTION

96. In response to the allegations set forth in paragraph numbered “96” of the plaintiffs’ complaint herein, defendants, repeat, reiterate and reallege their responses set forth in the preceding paragraphs inclusive of this answer, as if fully set forth herein.

97. Defendants deny having knowledge or information sufficient to form a belief as to each and every allegation contained in paragraph numbered “97” of the plaintiffs’ complaint except deny any injury to DB, abuse to DB or the use of drugs or alcohol while in the care of DB by LISA WEITZMAN, LAUREN SCHNEIDER or JEAN MARIE LILLEY and refer all questions of law and fact to this Honorable Court and the triers of fact at the trial of this action.

98. Defendants deny each and every allegation contained in paragraph numbered “98” of the plaintiffs’ complaint.

99. Defendants deny each and every allegation contained in paragraph numbered “99” of the plaintiffs’ complaint.

100. Defendants deny each and every allegation contained in paragraph numbered “100” in plaintiffs’ complaint.

101. Defendants deny each and every allegation contained in paragraph numbered “101” in plaintiffs’ complaint.

ANSWERING THE SECOND CAUSE OF ACTION

102. In response to the allegations set forth in paragraph numbered “102” of the plaintiffs’ complaint herein, defendants, repeat, reiterate and reallege their responses set forth in the preceding paragraphs inclusive of this answer, as if fully set forth herein.

103. Defendants deny having knowledge or information sufficient to form a belief as to each and every allegation contained in paragraph numbered “103” of the plaintiffs’ complaint.

104. Defendants admit each and every allegation contained in paragraph numbered “104” of the plaintiffs' complaint.

105. Defendants deny having knowledge or information sufficient to form a belief as to each and every allegation contained in paragraph numbered “105” of the plaintiffs' complaint.

106. Defendants deny each and every allegation contained in paragraph numbered “106” of the plaintiffs' complaint.

107. Defendants deny each and every allegation contained in paragraph numbered “107” of the plaintiffs' complaint.

108. Defendants deny each and every allegation contained in paragraph numbered “108” of the plaintiffs' complaint.

109. Defendants deny each and every allegation contained in paragraph numbered “109” of the plaintiffs' complaint.

ANSWERING THE THIRD CAUSE OF ACTION

110. In response to the allegations set forth in paragraph numbered “110” of the plaintiffs' complaint herein, defendants, repeat, reiterate and reallege their responses set forth in the preceding paragraphs inclusive of this answer, as if fully set forth herein.

111. Defendants deny each and every allegation contained in paragraph numbered “111” of the plaintiffs' complaint.

112. Defendants deny to each and every allegation contained in paragraph numbered “112” of the plaintiffs' complaint.

113. Defendants deny each and every allegation contained in paragraph numbered “113” of the plaintiffs' complaint.

114. Defendants deny each and every allegation contained in paragraph numbered “114” of the plaintiffs' complaint.

ANSWERING THE FOURTH CAUSE OF ACTION

115. In response to the allegations set forth in paragraph numbered “115” of the plaintiffs' complaint herein, defendants, repeat, reiterate and reallege their responses set forth in the preceding paragraphs inclusive of this answer, as if fully set forth herein.

116. Defendants deny each and every allegation contained in paragraph numbered “116” of the plaintiffs' complaint.

117. Defendants deny each and every allegation contained in paragraph numbered “117” of the plaintiffs' complaint.

ANSWERING THE FIFTH CAUSE OF ACTION

118. In response to the allegations set forth in paragraph numbered “118” of the plaintiffs' complaint herein, defendants, repeat, reiterate and reallege their responses set forth in the preceding paragraphs inclusive of this answer, as if fully set forth herein.

119. Defendants deny to each and every allegation contained in paragraph numbered “119” of the plaintiffs' complaint.

120. Defendants deny each and every allegation contained in paragraph numbered “120” of the plaintiffs' complaint.

121. Defendants deny each and every allegation contained in paragraph numbered “121” of the plaintiffs' complaint.

122. Defendants deny each and every allegation contained in paragraph numbered “122” of the plaintiffs' complaint.

123. Defendants deny each and every allegation contained in paragraph numbered “123” of the plaintiffs' complaint.

124. Defendants deny each and every allegation contained in paragraph numbered “124” of the plaintiffs' complaint.

ANSWERING THE SIXTH CAUSE OF ACTION

125. In response to the allegations set forth in paragraph numbered “125” of the plaintiffs' complaint herein, defendants, repeat, reiterate and reallege their responses set forth in the preceding paragraphs inclusive of this answer, as if fully set forth herein.

126. Defendants deny having knowledge or information sufficient to form a belief as to each and every allegation contained in paragraph numbered “126” of the plaintiffs' complaint.

127. Defendants deny having knowledge or information sufficient to form a belief as to each and every allegation contained in paragraph numbered “127” of the plaintiffs' complaint.

128. Defendants deny each and every allegation contained in paragraph numbered “128” of the plaintiffs' complaint.

129. Defendants deny each and every allegation contained in paragraph numbered “129” of the plaintiffs' complaint.

130. Defendants deny having knowledge or information sufficient to form a belief as to each and every allegation contained in paragraph numbered “130” of the plaintiffs' complaint except deny that any child in LISA WEITZMAN's class was subjected to abuse.

131. Defendants deny each and every allegation contained in paragraph numbered “131” of the plaintiffs' complaint except deny that any abuse occurred.

132. Defendants deny each and every allegation contained in paragraph numbered “132” of the plaintiffs' complaint.

133. Defendants deny each and every allegation contained in paragraph numbered “133” of the plaintiffs' complaint.

134. Defendants deny having knowledge or information sufficient to form a belief as to each and every allegation contained in paragraph numbered “134” of the plaintiffs' complaint except deny that plaintiff was subjected to any abuse at the hands of LISA WEITZMAN, JEAN MARIE LILLEY or LAUREN SCHNEIDER.

135. Defendants deny each and every allegation contained in paragraph numbered “135” in plaintiffs' complaint.

136. Defendants deny each and every allegation contained in paragraph numbered “136” in plaintiffs' complaint.

137. Defendants deny each and every allegation contained in paragraph numbered “137” of the plaintiffs' complaint.

138. Defendants deny each and every allegation contained in paragraph numbered “138” in plaintiffs' complaint.

ANSWERING THE SEVENTH CAUSE OF ACTION

139. In response to the allegations set forth in paragraph numbered “139” of the plaintiffs' complaint herein, defendants, repeat, reiterate and reallege their responses set forth in the preceding paragraphs inclusive of this answer, as if fully set forth herein.

140. Defendants deny each and every allegation contained in paragraph numbered “140” of the plaintiffs' complaint.

141. Defendants deny each and every allegation contained in paragraph numbered “141” in plaintiffs' complaint.

142. Defendants deny each and every allegation contained in paragraph numbered “142” contained in plaintiffs' complaint.

143. Defendants deny each and every allegation contained in paragraph numbered “143” in plaintiffs' complaint.

144. Defendants deny each and every allegation contained in paragraph numbered “144” of the plaintiffs' complaint.

145. Defendants deny each and every allegation contained in paragraph numbered “145” of the plaintiffs' complaint.

146. Defendants deny each and every allegation contained in paragraph numbered “146” in plaintiffs' complaint.

ANSWERING THE EIGHTH CAUSE OF ACTION

147. In response to the allegations set forth in paragraph numbered “147” of the plaintiffs' complaint herein, defendants, repeat, reiterate and reallege their responses set forth in the preceding paragraphs inclusive of this answer, as if fully set forth herein.

148. Defendants deny each and every allegation contained in paragraph numbered “148” of the plaintiffs' complaint.

149. Defendants deny each and every allegation contained in paragraph numbered “149” in plaintiffs' complaint.

150. Defendants deny each and every allegation contained in paragraph numbered “150” of the plaintiffs' complaint.

151. Defendants deny each and every allegation contained in paragraph numbered “151” in plaintiffs' complaint.

152. Defendants deny each and every allegation contained in paragraph numbered “152” in plaintiffs' complaint.

153. Defendants deny having knowledge or information sufficient to form a belief as to each and every allegation contained in paragraph numbered “153” of the plaintiffs' complaint.

154. Defendants deny each and every allegation contained in paragraph numbered “154” of the plaintiffs' complaint.

155. Defendants deny each and every allegation contained in paragraph numbered “155” of the plaintiffs' complaint.

156. Defendants deny each and every allegation contained in paragraph numbered “156” of the plaintiffs' complaint.

157. Defendants deny having any knowledge or information sufficient to form a belief as to each and every allegation contained in paragraph numbered “157” of the plaintiffs' complaint.

158. Defendants deny each and every allegation contained in paragraph numbered “158” of the plaintiffs' complaint.

ANSWERING THE NINTH CAUSE OF ACTION

159. In response to the allegations set forth in paragraph numbered “159” of the plaintiffs' complaint herein, defendants, repeat, reiterate and reallege their responses set forth in the preceding paragraphs inclusive of this answer, as if fully set forth herein.

160. Defendants deny having knowledge or information sufficient to form a belief as to each and every allegation contained in paragraph numbered “160” in plaintiffs' complaint.

161. Defendants deny having knowledge or information sufficient to form a belief as to each and every allegation contained in paragraph numbered “161” of the plaintiffs' complaint.

162. Defendants deny each and every allegation contained in paragraph numbered “162” of the plaintiffs' complaint.

163. Defendants deny each and every allegation contained in paragraph numbered “163” of the plaintiffs' complaint.

164. Defendants deny each and every allegation contained in paragraph numbered “164” in plaintiffs' complaint.

ANSWERING THE TENTH CAUSE OF ACTION

165. In response to the allegations set forth in paragraph numbered “165” of the plaintiffs' complaint herein, defendants, repeat, reiterate and reallege their responses set forth in the preceding paragraphs inclusive of this answer, as if fully set forth herein.

166. Defendants deny to each and every allegation contained in paragraph numbered “166” in plaintiffs' complaint.

167. Defendants deny each and every allegation contained in paragraph numbered “167” in plaintiffs' complaint.

168. Defendants deny each and every allegation contained in paragraph numbered “168” of the plaintiffs' complaint.

169. Defendants deny each and every allegation contained in paragraph numbered “169” of the plaintiffs' complaint.

170. Defendants deny each and every allegation contained in paragraph numbered “170” of the plaintiffs' complaint.

171. Defendants deny each and every allegation contained in paragraph numbered “171” of the plaintiffs' complaint.

ANSWERING THE ELEVENTH CAUSE OF ACTION

172. In response to the allegations set forth in paragraph numbered “172” of the plaintiffs’ complaint herein, defendants, repeat, reiterate and reallege their responses set forth in the preceding paragraphs inclusive of this answer, as if fully set forth herein.

173. Defendants deny each and every allegation contained in paragraph numbered “173” of the plaintiffs’ complaint.

174. Defendants deny each and every allegation contained in paragraph numbered “174” of the plaintiffs’ complaint.

175. Defendants deny each and every allegation contained in paragraph numbered “175” of the plaintiffs’ complaint.

176. Defendants deny each and every allegation contained in paragraph numbered “176” of the plaintiffs’ complaint.

177. Defendants deny each and every allegation contained in paragraph numbered “177” of the plaintiffs’ complaint.

ANSWERING THE TWELFTH CAUSE OF ACTION

178. In response to the allegations set forth in paragraph numbered “178” of the plaintiffs’ complaint herein, defendants, repeat, reiterate and reallege their responses set forth in the preceding paragraphs inclusive of this answer, as if fully set forth herein.

179. Defendants deny having knowledge or information sufficient to form a belief as to each and every allegation contained in paragraph numbered “179” of the plaintiffs’ complaint and refer all questions of law and fact to this Honorable Court and the triers of fact at the trial of this action.

180. Defendants deny having knowledge or information sufficient to form a belief as to each and every allegation contained in paragraph numbered “180” of the plaintiffs' complaint.

181. Defendants deny having knowledge or information sufficient to form a belief as to each and every allegation contained in paragraph numbered “181” of the plaintiffs' complaint.

182. Defendants deny each and every allegation contained in paragraph numbered “182” of the plaintiffs' complaint.

183. Defendants deny each and every allegation contained in paragraph numbered “183” of the plaintiffs' complaint.

184. Defendants deny having knowledge or information sufficient to form a belief as to each and every allegation contained in paragraph numbered “184” in plaintiffs' complaint except deny that plaintiff was subjected to abuse at the hands of LISA WEITZMAN, JEAN MARIE LILLY and LAUREN SCHNEIDER.

185. Defendants deny having knowledge or information sufficient to form a belief as to each and every allegation contained in paragraph numbered “185” in plaintiffs' complaint.

186. Defendants deny having knowledge or information sufficient to form a belief as to each and every allegation contained in paragraph numbered “186” in plaintiffs' complaint except deny that plaintiff was subjected to abuse at the hands of LISA WEITZMAN, JEAN MARIE LILLY and LAUREN SCHNEIDER.

187. Defendants deny each and every allegation contained in paragraph numbered “187” in plaintiffs' complaint.

188. Defendants deny having knowledge or information sufficient to form a belief as to each and every allegation contained in paragraph numbered “188” in plaintiffs' complaint except deny that any abuse occurred.

189. Defendants deny each and every allegation contained in paragraph numbered “189” in plaintiffs' complaint.

190. Defendants deny each and every allegation contained in paragraph numbered “190” in plaintiffs' complaint.

ANSWERING THE THIRTEENTH CAUSE OF ACTION

191. In response to the allegations set forth in paragraph numbered “191” of the plaintiffs' complaint herein, defendants, repeat, reiterate and reallege their responses set forth in the preceding paragraphs inclusive of this answer, as if fully set forth herein.

192. Defendants deny having knowledge or information sufficient to form a belief as to each and every allegation contained in paragraph numbered “192” of the plaintiffs' complaint and refer all questions of law and fact to this Honorable Court and the triers of fact at the trial of this action.

193. Defendants deny having knowledge or information sufficient to form a belief as to each and every allegation contained in paragraph numbered “193” of the plaintiffs' complaint and refer all questions of law and fact to this Honorable Court and the triers of fact at the trial of this action.

194. Defendants deny having knowledge or information sufficient to form a belief as to each and every allegation contained in paragraph numbered “194” of the plaintiffs' complaint and refer all questions of law and fact to this Honorable Court and the triers of fact at the trial of this action.

195. Defendants deny having knowledge or information sufficient to form a belief as to each and every allegation contained in paragraph numbered “195” of the plaintiffs' complaint

and refer all questions of law and fact to this Honorable Court and the triers of fact at the trial of this action.

196. Defendants deny having knowledge or information sufficient to form a belief as to each and every allegation contained in paragraph numbered “196” of the plaintiffs' complaint.

197. Defendants deny having knowledge or information sufficient to form a belief as to each and every allegation contained in paragraph numbered “197” in plaintiffs' complaint.

198. Defendants deny having knowledge or information sufficient to form a belief as to each and every allegation contained in paragraph numbered “198” in plaintiffs' complaint.

199. Defendants deny having knowledge or information sufficient to form a belief as to each and every allegation contained in paragraph numbered “199” in plaintiffs' complaint.

200. Defendants deny having knowledge or information sufficient to form a belief as to each and every allegation contained in paragraph numbered “200” in plaintiffs' complaint except deny that any abuse was perpetrated by LISA WEITZMAN, JEAN MARIE LILLEY and LAUREN SCHNEIDER.

201. Defendants deny each and every allegation contained in paragraph numbered “201” in plaintiffs' complaint.

202. Defendants deny each and every allegation contained in paragraph numbered “202” in plaintiffs' complaint.

203. Defendants deny each and every allegation contained in paragraph numbered “203” in plaintiffs' complaint.

ANSWERING THE FOURTEENTH CAUSE OF ACTION

204. In response to the allegations set forth in paragraph numbered “204” of the plaintiffs’ complaint herein, defendants, repeat, reiterate and reallege their responses set forth in the preceding paragraphs inclusive of this answer, as if fully set forth herein.

205. Defendants deny having knowledge or information sufficient to form a belief as to each and every allegation contained in paragraph numbered “205” in plaintiffs’ complaint and refer all questions of law and fact to this Honorable Court and the triers of fact at the trial of this action.

206. Defendants deny each and every allegation contained in paragraph numbered “206” in plaintiffs’ complaint.

207. Defendants deny each and every allegation contained in paragraph numbered “207” in plaintiffs’ complaint.

ANSWERING THE FIFTEENTH CAUSE OF ACTION

208. In response to the allegations set forth in paragraph numbered “208” of the plaintiffs’ complaint herein, defendants, repeat, reiterate and reallege their responses set forth in the preceding paragraphs inclusive of this answer, as if fully set forth herein.

209. Defendants deny having knowledge or information sufficient to form a belief as to each and every allegation contained in paragraph numbered “209” in plaintiffs’ complaint except deny that any injuries were sustained by DB.

210. Defendants deny each and every allegation contained in paragraph numbered “210” in plaintiffs’ complaint.

211. Defendants deny each and every allegation contained in paragraph numbered “211” in plaintiffs’ complaint.

212. Defendants deny each and every allegation contained in paragraph numbered “212” in plaintiffs' complaint.

ANSWERING THE SIXTEENTH CAUSE OF ACTION

213. In response to the allegations set forth in paragraph numbered “213” of the plaintiffs' complaint herein, defendants, repeat, reiterate and reallege their responses set forth in the preceding paragraphs inclusive of this answer, as if fully set forth herein.

214. Defendants deny having knowledge or information sufficient to form a belief as to each and every allegation contained in paragraph numbered “214” in plaintiffs' complaint refer all questions of law and fact to this Honorable Court and the triers of fact at the trial of this action.

215. Defendants deny having knowledge or information sufficient to form a belief as to each and every allegation contained in paragraph numbered “215” in plaintiffs' complaint.

216. Defendants deny each and every allegation contained in paragraph numbered “216” in plaintiffs' complaint.

ANSWERING THE SEVENTEENTH CAUSE OF ACTION

217. In response to the allegations set forth in paragraph numbered “217” of the plaintiffs' complaint herein, defendants, repeat, reiterate and reallege their responses set forth in the preceding paragraphs inclusive of this answer, as if fully set forth herein.

218. Defendants deny having knowledge or information sufficient to form a belief as to each and every allegation contained in paragraph numbered “218” in plaintiffs' complaint refer all questions of law and fact to this Honorable Court and the triers of fact at the trial of this action.

219. Defendants deny each and every allegation contained in paragraph numbered “219” in plaintiffs' complaint.

220. Defendants deny each and every allegation contained in paragraph numbered “220” in plaintiffs' complaint.

221. Defendants deny each and every allegation contained in paragraph numbered “221” in plaintiffs' complaint (delineated as paragraph “321”).

AS AND FOR A FIRST AFFIRMATIVE DEFENSE

222. If plaintiffs have been injured and damaged as alleged in the complaint, upon information and belief, such injuries and damages were caused, in whole or in part, or were contributed to by reason of the carelessness, negligence or want of care on the part of the plaintiff and not by any carelessness, negligence or want of care, on the part of the defendants, and if any carelessness, negligence or want of care other than that of the plaintiff caused or contributed to said alleged injuries and damages, it was the carelessness, negligence or want of care on the part of some other party or persons, firm or corporation, his, its or their agents, servants or employees over whom defendants, had no control and for whose, carelessness, negligence or want of care defendants was not and is not responsible or liable.

AS AND FOR A SECOND AFFIRMATIVE DEFENSE

223. Whatever injuries and/or damages were purportedly sustained by plaintiff at the time and place alleged in the complaint were in whole or in part the result of plaintiff's own culpable conduct.

AS AND FOR A THIRD AFFIRMATIVE DEFENSE

224. Plaintiffs' complaint fails to state a cause of action as against these answering defendants.

AS AND FOR A FOURTH AFFIRMATIVE DEFENSE

225. Plaintiffs failed to mitigate damages, if any, which they may have sustained as a result of the matters alleged in the complaint.

AS AND FOR A FIFTH AFFIRMATIVE DEFENSE

226. Upon information and belief, any past or future costs and/or expenses incurred or to be incurred by the plaintiff for medical care, dental care, custodial care or rehabilitation services, loss of earnings or other economic loss, has been or will with reasonable certainty be replaced or indemnified in whole or in part from a collateral source as defined in Section 4545(c) of the New York Civil Practice Law and Rules.

227. If any damages are recoverable against the said answering defendants, the amount of such damages shall be diminished by the amount of the funds which plaintiffs have or shall receive from such collateral source.

AS AND FOR A SIXTH AFFIRMATIVE DEFENSE

228. Plaintiffs have failed to exhaust all administrative remedies.

AS AND FOR A SEVENTH AFFIRMATIVE DEFENSE

229. Defendants at all times acted reasonably and in good faith in the discharge of their duties and responsibilities and, are therefore, entitled to qualified/absolute immunity.

AS AND FOR AN EIGHTH AFFIRMATIVE DEFENSE

230. Defendants' conduct did not violate clearly established Constitutional or statutory rights of which a reasonable person would have known and defendants had an objectively reasonable belief that their conduct did not violate plaintiff's rights.

AS AND FOR A NINTH AFFIRMATIVE DEFENSE

231. Plaintiffs failed to satisfy certain conditions precedent to bringing an action and/or certain causes of action against these answering defendants.

AS AND FOR A TENTH AFFIRMATIVE DEFENSE

232. Defendants did not act maliciously or with ill will toward plaintiffs.

AS AND FOR AN ELEVENTH AFFIRMATIVE DEFENSE

233. Defendants were not motivated by an intention to discriminate on the basis of impermissible consideration, to punish or inhibit the exercise of constitutional rights or by a malicious or bad faith intent to injure plaintiff.

AS AND FOR A TWELFTH AFFIRMATIVE DEFENSE

234. Defendants fully complied with all provisions of the Constitution of the United States, Constitution of the State of New York and all applicable laws, rules and regulations.

AS AND FOR A THIRTEENTH AFFIRMATIVE DEFENSE

235. Defendants' actions were not arbitrary, conscious shocking or oppressive and were not a gross abuse of governmental authority.

AS AND FOR A FOURTEENTH AFFIRMATIVE DEFENSE

236. That defendants at all times relative to plaintiffs' complaint fully complied with all provisions of the Constitution of the United States, the Constitution of the State of New York and all applicable laws, statutes, rules and regulations.

AS AND FOR A FIFTEENTH AFFIRMATIVE DEFENSE

237. There is no individual liability under the Americans with Disabilities Act.

AS AND FOR A SIXTEENTH AFFIRMATIVE DEFENSE

238. Defendants are entitled to Qualified Immunity with respect to those acts that were performed pursuant to their duties and responsibilities.

AS AND FOR A SEVENTEENTH AFFIRMATIVE DEFENSE

240. Plaintiffs' complaint, to the extent that it seeks exemplary or punitive damages, violates defendants' constitutional right to procedural due process under the Fourteenth Amendment of the United States Constitution, and the Constitution of the State of New York, and, therefore, fails to state a cause of action upon which either punitive or exemplary damages can be awarded.

AS AND FOR AN EIGHTEENTH AFFIRMATIVE DEFENSE

241. Plaintiffs' complaint, to the extent that it seeks exemplary or punitive damages, violates defendants' constitutional right to protection from "excessive fines" as provided in the Eighth Amendment of the United States Constitution, and Article 1, § 5 of the constitution of the State of New York, and violates defendants' constitutional right to substantive due process duly provided in the Fifth and Fourteenth Amendments of the United States Constitution and the Constitution of the State of New York, and therefore, fails to state a cause of action supporting the punitive or exemplary damages claimed.


WHEREFORE, defendants, LISA WEITZMAN, JEAN MARIE LILLEY and LAUREN SCHNEIDER, demand judgment dismissing the plaintiffs' complaint herein, together with the costs and disbursements of this action.

Dated: Uniondale, New York
March 28, 2017

Respectfully submitted,

CONGDON, FLAHERTY, O'CALLAGHAN,
REID, DONLON, TRAVIS & FISHLINGER

By:


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